



Republic of the Philippines  
**SANDIGANBAYAN**  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**

Plaintiff,

SB-15-CRM-0094

For: Violation of Section 3 (e) of  
Republic Act No. 3019

-versus-

**P/CSUPT. BIENVENIDO  
GARCIA LATAG and  
P/SSUPT. JAIME CANIESO  
PIDO,**

Accused,

PRESENT:

FERNANDEZ, SJ, *J. Chairperson*  
MIRANDA, &  
VIVERO, JJ.

Promulgated:

JUL 30 2021 *MV*

X-----X

**RESOLUTION**

MIRANDA, J.:

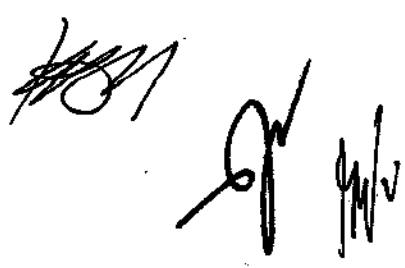
This resolves the Motion for Reconsideration dated March 23, 2021 filed by accused Bienvenido G. Latag (Latag) and the Comment/Opposition dated April 16, 2021 filed by the Prosecution.

In his motion, accused Latag seeks for the reconsideration of the Decision promulgated by this Court on March 12, 2021 finding him guilty beyond reasonable doubt of the crime of Violation of Section 3 (e) of Republic Act (R.A.) No. 3019. He claims that there were material facts and

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circumstances overlooked by the Court that could have altered its findings in the said decision. Latag particularly asserts that:

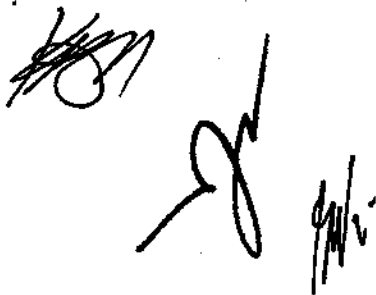
- 1) He and co-accused Jaime C. Pido (Pido) acted in good faith in the issuance of the Preventive Suspension Order (PSO) of Romenick A. Linsangan (Linsangan) as they were unaware of the prior dismissal of the criminal case for Violation of R.A. No. 9262 filed against Linsangan before the trial court.
- 2) He and co-accused Pido merely exercised their authority to discipline members of the Philippine National Police (PNP) who were administratively charged before the Internal Affairs Service (IAS).
- 3) He cannot be expected to micromanage the entire regional office composed of several offices, units and divisions. As Regional Director, he presumed that all documents reaching his office have duly passed through proper channels and were already reviewed by his subordinates.
- 4) Linsangan did not suffer undue injury by reason of his preventive suspension because he was immediately reinstated in service without loss of rank and salary.
- 5) Goldberrie Carlos (Carlos) did not receive unwarranted benefits, advantage or preference over Linsangan on the account of her alleged relationship with Latag.
- 6) There was no sufficient evidence to prove that he conspired with Pido in the issuance of Linsangan's PSO or with Carlos in causing undue injury to Linsangan.
- 7) He must be accorded with due recognition instead of prosecution considering that he was a dedicated and decorated police officer who has served the country and the Filipino people for 36 years without any record of graft and corruption.



- 8) His only "mistake" was that he earned the ire of the Masturas who blamed him for their election losses in the towns of Matanong, Parang, Buldon and Barira in Maguindanao when he reshuffled the PNP personnel a day before the 2015 local election.

In its comment/opposition, the Prosecution, through the Office of the Special Prosecutor, claims that the evidence presented has sufficiently proved with moral certainty that accused Latag and Pido acted with evident bad faith and manifest partiality in the issuance of Linsangan's PSO, and that the said acts caused undue injury to Linsangan and gave unwarranted benefits, advantage or preference to Carlos. The Prosecution particularly asserts that:

- 1) The law is clear that only the trial court can preventively suspend a member of the PNP criminally charged in court. Pido, however, requested for Linsangan's preventive suspension and Latag approved the same while knowing that they were not authorized by law.
- 2) Latag's authority to order the preventive suspension of a member of the PNP applies only to administrative cases filed before the IAS.
- 3) Even if Linsangan's PSO was issued by reason of the administrative case filed against him by Carlos, the said administrative case was already dismissed prior to the request and approval of the said PSO. There was likewise no proof that Carlos sought the issuance of a PSO against Linsangan before the PNP Summary Hearing Board.
- 4) Latag cannot expect that the request for Linsangan's PSO regularly passed through the proper channels and was reviewed by his subordinates because the Offices of the Deputy Regional Director for Administration, the Deputy Regional Director for Operations, and the Chief of the Regional Directorial Staff were not furnished with a copy of the memorandum requesting for the said PSO.

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- 5) While Linsangan was reinstated in service and his salary corresponding to the time of his preventive suspension was paid, he did not receive his combat and hazard pay, and was declared ineligible to receive the full amount of his mid-year and year-end bonuses.
- 6) The presentation of evidence to prove that Latag and Carlos conspired with each other to cause undue injury to Linsangan is inconsequential. What is relevant is that Latag's approval of Linsangan's PSO without legal authority gave Carlos, his common law partner, unwarranted benefits, advantage or preference to make Linsangan's life difficult.
- 7) Latag and Pido clearly acted in conspiracy with each other. Pido requested and Latag approved Linsangan's PSO despite knowledge that they were not legally authorized to do so.
- 8) Latag's claim that he was a dedicated and decorated police officer and that the Masturas blamed him for their election losses in the 2015 local election are irrelevant. Even if these allegations were true, it did not necessarily render him incapable of committing an offense, as in this case.

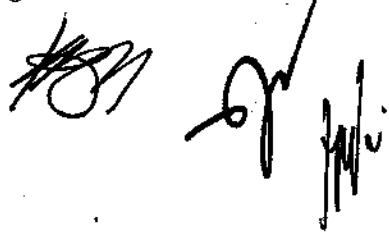
After a review of the records of this case and the arguments raised by the parties, the Court **DENIES** the Motion for Reconsideration dated March 23, 2021 of accused Latag for lack of merit.

A motion for reconsideration is based on errors of law or fact in the judgment that requires no further proceedings.<sup>1</sup> Here, accused Latag's assertions fail to persuade that the Court committed an error in the appreciation of facts and the application of law to the evidence presented.

As held by the Court in the assailed decision, it is only the trial court having jurisdiction over the crime that has the authority to order the preventive suspension of a police officer charged before it.<sup>2</sup> While it is correct that Latag,

<sup>1</sup> Section 3, Rule 121 of the Revised Rules of Criminal Procedure.

<sup>2</sup> Section 55 of R.A. No. 8551, amending Section 47 of R.A. No. 6975.



as Regional Director, was also authorized by law to preventively suspend a police officer under his command, he can only do so on the basis of an administrative case filed against the said police officer.<sup>3</sup>

In this case, evidence proved that Linsangan's PSO was requested by Pido and approved by Latag based on the *criminal* case for Violation of R.A. No. 9262 filed against Linsangan in court.<sup>4</sup> Latag and Pido knew that they were not authorized by law to preventively suspend Linsangan at that time.<sup>5</sup> Even if the subject PSO was issued based on the administrative case filed against Linsangan, there was no legal basis to issue the same because the said administrative case was already dismissed prior to the request and approval of Linsangan's PSO<sup>6</sup> and that there was no evidence presented by the Defense that Carlos sought the issuance of Linsangan's PSO.<sup>7</sup>

Accused Latag also invokes that he and Pido acted in good faith in the issuance of Linsangan's PSO as they were unaware about the earlier dismissal of the criminal and administrative cases filed against Linsangan before the request and approval of the said PSO. Latag likewise argues that as Regional Director, he only relied on the regularity of all documents submitted to his office for signature and approval.

Good faith is an intangible and abstract quality with no technical meaning or statutory definition, and it encompasses, among others, an honest belief, the absence of malice and the absence of design to defraud or to seek an unconscionable advantage.<sup>8</sup> Good faith implies the honesty of intention, and freedom from knowledge of circumstances which ought to put the holder upon inquiry.<sup>9</sup>

Good faith is lacking in this case. As already discussed by the Court, the request for Linsangan's PSO did not pass through the Offices of the Deputy Regional Director for Administration, the Deputy Regional Director for Operations, and the Chief of the Regional Directorial Staff.<sup>10</sup> Pido's memorandum to Latag requesting for Linsangan's PSO showed that a copy of the same was not furnished to the heads of the said offices.<sup>11</sup> Latag and Pido knew that the request for Linsangan's PSO bypassed the lower offices in the

<sup>3</sup> Section 52 of R.A. No. 8551, amending Section 47 of R.A. No. 6975.

<sup>4</sup> Exhibits C and C-1, Exhibit E, and TSN dated January 24, 2019, p. 19.

<sup>5</sup> *Ibid.*

<sup>6</sup> Exhibits H and I.

<sup>7</sup> *Supra*, TSN dated January 24, 2019, p. 18.

<sup>8</sup> *Ochoa, et al. v. Apeta, et al.*, G.R. No. 146259, September 13, 2007.

<sup>9</sup> *Philippine National Bank v. De Jesus*, G.R. No. 149295, September 23, 2003.

<sup>10</sup> *Supra*, Exhibit C.

<sup>11</sup> *Ibid.*

PNP when it reached Latag's office for approval. Latag's claim of good faith was even contradicted by evidence that Carlos, with whom he has a common child<sup>12</sup>, was interested in the issuance of Linsangan's PSO. Carlos' past romantic relationship with Linsangan<sup>13</sup> and her calls and messages to him that were vexing<sup>14</sup> sufficiently proved that she knew about the PSO even before its issuance and that the same was a part of her plan to make life difficult for Linsangan. Clearly, Latag cannot be said to have acted in good faith in the approval of Pido's request. There was no "honesty of intention" and "freedom from knowledge" that the request for Linsangan's PSO was illegally issued to give unwarranted benefits, advantage or preference to Carlos.

Accused Latag and Pido's claim that they were unaware about the dismissal of the criminal and administrative cases filed against Linsangan prior to the request and approval of the PSO is immaterial. Whether or not they knew about the said dismissal, the evidence remains clear that Pido requested and Latag approved Linsangan's PSO based on the *criminal* case filed in court despite knowledge that they lacked legal authority to do so.

The findings of the Court with respect to the undue injury suffered by Linsangan by reason of the issuance of the PSO are also maintained. To reiterate, Latag and Pido's evident bad faith and manifest partiality in issuing the unlawful PSO was the direct and proximate cause of Linsangan's non-receipt of salary, allowances and benefits during the time of his preventive suspension. While Linsangan was reinstated in service without loss of rank and status upon lifting of his PSO, there was evidence to prove that he failed to receive his combat allowance and hazard pay, and was declared unqualified to receive the full amount of his mid-year and year-end bonuses.<sup>15</sup>

Accused Latag similarly failed to show convincing proof to overturn the finding of conspiracy between him and Pido in the issuance of Linsangan's PSO. To be a conspirator, one need not participate in every detail of the execution; he need not even take part in every act.<sup>16</sup> Each conspirator may be assigned separate and different tasks which may appear unrelated to one another but, in fact, constitute a whole collective effort to achieve their common criminal object.<sup>17</sup> In this case, Latag and Pido knew that they cannot preventively suspend Linsangan on the basis of the criminal case filed against him in court. Their individual acts of requesting and approving the illegal PSO appear to have been animated by one and same purpose—to cause undue

<sup>12</sup> Exhibit X and sub-markings.

<sup>13</sup> TSN dated November 7, 2018, p. 18.

<sup>14</sup> Exhibit P and sub-markings.

<sup>15</sup> *Supra*, TSN dated November 7, 2018, pp. 26-27.

<sup>16</sup> *People v. Jesalva*, G.R. No. 227306, June 19, 2017.

<sup>17</sup> *Ibid*.

injury to Linsangan and give unwarranted benefits, advantage or preference to Carlos.

Finally, accused Latag capitalizes on his good character as a dedicated and decorated police officer without record of graft and corruption to support his innocence in the offense charged. He cites his individual accomplishments starting from his service as combat helicopter pilot in the Philippine Air Force up to his participation in various rescue missions and successful apprehensions of fugitives as member of the PNP. He also blames the Masturas of Maguindanao as the people behind the filing of this case against him.

In *People v. Noel Lee*<sup>18</sup>, the Supreme Court explained:

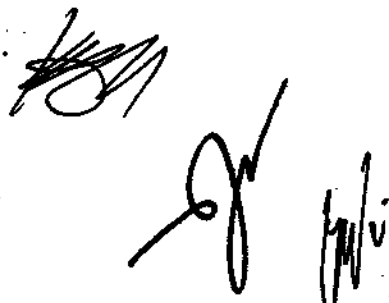
Character is defined to be the possession by a person of certain qualities of mind and morals, distinguishing him from others. It is the opinion generally entertained of a person derived from the common report of the people who are acquainted with him; his reputation. "Good moral character" includes all the elements essential to make up such a character; among these are common honesty and veracity, especially in all professional intercourse; a character that measures up as good among people of the community in which the person lives, or that is up to the standard of the average citizen; that status which attaches to a man of good behavior and upright conduct.

The rule is that the character or reputation of a party is regarded as legally irrelevant in determining a controversy, so that evidence relating thereto is not admissible. **Ordinarily, if the issues in the case were allowed to be influenced by evidence of the character or reputation of the parties, the trial would be apt to have the aspects of a popularity contest rather than a factual inquiry into the merits of the case. After all, the business of the court is to try the case, and not the man; and a very bad man may have a righteous cause.**<sup>19</sup>

As an exception to this rule, Section 51(a)(1) of Rule 130 of the Revised Rules on Evidence allows the introduction of accused's good moral character pertinent to the moral trait involved in the offense charged. The rule, however, requires that the character evidence must be relevant and germane to the kind of the act charged, which is missing in this case. The character of being a

<sup>18</sup> G.R. No. 139070, May 29, 2002.

<sup>19</sup> Citations omitted, Emphasis supplied.

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“dedicated and decorated” police officer does not determine the probability or improbability of committing a graft and corrupt act in public office.

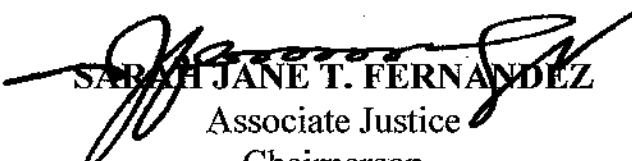
In fine, accused Latag failed to convince this Court that the reversal of the assailed decision is warranted.


**WHEREFORE**, premises considered, the Motion for Reconsideration dated March 23, 2021 of accused Bienvenido G. Latag, Sr. is **DENIED** for lack of merit. The Decision promulgated by this Court on March 12, 2021 is **AFFIRMED**.

**SO ORDERED.**

  
**KARL B. MIRANDA**  
Associate Justice

WE CONCUR:

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

  
**KEVIN NARCE B. VIVERO**  
Associate Justice